

Iowa Department of Natural Resources Environmental Protection Commission

ITEM

11

INFORMATION

TOPIC

Notice of Intended Action – Chapter 61 – Water Quality Standards (Stream Reclassifications via Use Assessment and Use Attainability Analyses – Batch #2)

The commission will be informed of a Notice of Intended Action regarding proposed rulemaking to amend the recreational and warm water aquatic life use designations for **134** river and stream segments. Attached is a list of the stream segments that will be included in the rule. Please note this is a preliminary list and changes may be made before the Notice of Intended Action is presented for approval. With the notice, we will also make available a more detailed list of the segments that includes more information about the length of the segment, the current designated uses and the recommend designated uses. The individual Use Assessment and Use Attainability Analyses for these segments are available (or soon will be) on the department's web site at:
<http://programs.iowadnr.gov/uaa/search.aspx>

Recent rulemaking and 2006 legislative action have brought the DNR's water quality rules towards compliance with federal Clean Water Act requirements and U.S. Environmental Protection Agency (EPA) regulations, establishing new levels of protection for water quality. As an outcome of these efforts, all 26,000 miles of Iowa's perennial (flowing year-round) streams and intermittent streams with perennial pools are initially protected at the highest levels for recreation and warm water aquatic life uses. These actions provide initial protection for many miles of perennial streams that were previously not designated for aquatic life and/or recreational uses before.

Under these new rules, it is presumed that all perennial streams and rivers are attaining the highest level of recreation and aquatic life uses and should be protected for activities such as fishing and swimming. This concept of assigning all perennial streams the highest use designation, unless assessments show that the stream does not deserve that level of protection, is referred to as the "rebuttable presumption". Included in the federal regulations are the provisions that allow for scientific analysis of these "presumed" recreational and aquatic life uses. An integral part of implementing the new rules is verifying that a stream is capable of supporting the presumed uses.

The concept of Use Assessment and Use Attainability Analysis (UA/UAA) is being applied by the DNR as a step-by-step process to gather site-specific field data on stream features and uses. The DNR then assesses available information to determine if the "presumed" recreational and aquatic life uses are appropriate.

The DNR elected to perform a UA/UAA on any newly designated stream that receives a continuous discharge from a facility with a National Pollutant Discharge Elimination System (NPDES) permit. Prior to issuing a NPDES permit for an affected facility, the DNR must complete a UA/UAA for the receiving stream or stream network.

Charles C. Corell, Chief
Water Quality Bureau
Environmental Services Division

UA/UAA Batch #2 Streams that require rulemaking as 12/22/08

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| 1. Apple Creek (Linn Co.) | 51. Mosquito Creek (Pottawattamie Co.) |
| 2. Ballard Creek (Story Co.) | 52. Mosquito Creek (Pottawattamie/Harrison/Shelby Co.) |
| 3. Bear Creek (Wapello Co.) | 53. Mud Creek (Benton Co.) |
| 4. Big Bear Creek (Poweshiek/Iowa Co.) | 54. Mud Creek (Polk Co.) |
| 5. Big Bear Creek (Poweshiek/Iowa Co.) | 55. Murray Creek (O'Brien Co.) |
| 6. Black Hawk Creek (Black Hawk/Grundy Co.) | 56. Neola Creek (Pottawattamie Co.) |
| 7. Black Hawk Creek (Black Hawk/Grundy Co.) | 57. North Timber Creek (Marshall Co.) |
| 8. Blue Creek (Benton/Linn Co.) | 58. Orange City Slough (Sioux Co.) |
| 9. Brewers Creek (Hamilton Co.) | 59. Platte River |
| 10. Brewers Creek (Hamilton Co.) | 60. Plum Creek (Delaware Co.) |
| 11. Brush Creek (Marshall Co.) | 61. Plum Creek (Delaware Co.) |
| 12. Bulger Creek (Dallas Co.) | 62. Plum Creek (Delaware Co.) |
| 13. Burr Oak Creek (Jefferson Co.) | 63. Sewer Creek (Jasper Co.) |
| 14. Clear Creek (Cerro Gordo Co.) | 64. Shoal Creek (Appanoose Co.) |
| 15. Crooked Creek (Cedar Co.) | 65. Sixmile Creek (Sioux Co.) |
| 16. Crow Creek (Jefferson Co.) | 66. Snipe Creek (Marshall Co.) |
| 17. Deep Creek (Plymouth Co.) | 67. South Timber Creek (Marshall Co.) |
| 18. Deep Creek (Plymouth Co.) | 68. Spring Creek (Franklin Co.) |
| 19. Drainage Ditch #13 (Hancock Co.) | 69. Spring Creek (Franklin Co.) |
| 20. Drainage Ditch #4 (Wright Co.) | 70. Spring Creek (Franklin Co.) |
| 21. Drainage Ditch #81 (Worth Co.) | 71. Squaw Creek (Franklin Co.) |
| 22. Dry Creek (Benton/Linn Co.) | 72. Squaw Creek (Franklin Co.) |
| 23. Dry Creek (Linn Co.) | 73. Squaw Creek (Linn Co.) |
| 24. East Branch Blue Creek (Lin Co.) | 74. Stony Creek (Clay Co.) |
| 25. East Nodaway River | 75. Sugar Creek (Keokuk Co.) |
| 26. Elk Run (Black Hawk Co.) | 76. Timber Creek (Marshall Co.) |
| 27. Elk Run (Black Hawk Co.) | 77. Twelvemile Creek (Union Co.) |
| 28. Flint Creek (Des Moines Co.) | 78. Unnamed Creek (#1) (City of Atkins) |
| 29. Fourmile Creek (Kossuth Co.) | 79. Unnamed Creek (#1) (City of Brighton) |
| 30. Fourmile Creek (Union Co.) | 80. Unnamed Creek (#1) (City of Elkhart) |
| 31. Fudge Creek (Wapello Co.) | 81. Unnamed Creek (#1) (City of Milo) |
| 32. Granger Creek (Dubuque Co.) | 82. Unnamed Creek (#1) (HWH Company) |
| 33. Hartgrave Creek (Franklin/Butler Co.) | 83. Unnamed Creek (#1) (Lakewood Estates MHP) |
| 34. Hawkeye Creek (Des Moines Co.) | 84. Unnamed Creek (#1) (Little Sioux Corn Processing) |
| 35. Hawkeye-Dolbee Diversion Channel (Des Moines Co.) | 85. Unnamed Creek (#1) (Missouri Valley Energy - Exira) |
| 36. Honey Creek (Delaware Co.) | 86. Unnamed Creek (#1) (Missouri Valley Energy - Exira) |
| 37. Indian Creek (Audobon/Shelby/Cass Co.) | 87. Unnamed Creek (#1) (Siouxland Energy) |
| 38. Indian Creek (Linn Co.) | 88. Unnamed Creek (#2) (City of Atkins) |
| 39. Indian Creek (Sac Co.) | 89. Unnamed Creek (#2) (City of Brighton) |
| 40. Indian Creek (Sioux Co.) | 90. Unnamed Creek (#2) (City of Cincinnati) |
| 41. Indian Creek (Tama Co.) | 91. Unnamed Creek (#2) (City of Elkhart) |
| 42. Little Bear Creek (Poweshiek Co.) | 92. Unnamed Creek (#2) (City of Hedrick) |
| 43. Little Cedar River (Chickasaw Co.) | 93. Unnamed Creek (#2) (City of Middletown) |
| 44. Little Cedar River (Chickasaw/Floyd/Mitchell Co.) | 94. Unnamed Creek (#2) (City of Milo) |
| 45. Little Cedar River (Mitchell Co.) | 95. Unnamed Creek (#2) (Oak Hills Subdivision) |
| 46. Little Flint Creek (Des Moines Co.) | 96. Unnamed Creek (aka Bull Ditch) |
| 47. Little Maquoketa River (Dubuque Co.) | 97. Unnamed Creek (aka Johnson's Creek) |
| 48. Little Walnut Creek (Appanoose Co.) | 98. Unnamed Creek (Bulk Petroleum) |
| 49. Lutes Creek (Marshall Co.) | 99. Unnamed Creek (Chantland-PVS Company) |
| 50. Marvel Creek (Adair Co.) | 100. Unnamed Creek (City of Carroll) |

UA/UAA Batch #2 Streams that require rulemaking as 12/22/08

101.	Unnamed Creek (City of Creston WWTP)	118.	Unnamed Creek (John Deere Davenport Works)
102.	Unnamed Creek (City of Earlville)	119.	Unnamed Creek (John Deere Engineering Center)
103.	Unnamed Creek (City of Hedrick)	120.	Unnamed Creek (Magellan Pipeline - Johnson Co.)
104.	Unnamed Creek (City of Hills)	121.	Unnamed Creek (McCreary Community Building)
105.	Unnamed Creek (City of Huxley)	122.	Unnamed Creek (Siouxpreme Packing)
106.	Unnamed Creek (City of Malvern)	123.	Unnamed Creek (Stacyville COOP Creamery)
107.	Unnamed Creek (City of Remsen)	124.	Unnamed Creek (Tri-Center Community School)
108.	Unnamed Creek (City of Rickardsville)	125.	Unnamed Creek (Wells Dairy - North Plant)
109.	Unnamed Creek (City of Sioux Center)	126.	Unnamed Creek (Wells Dairy Mill Plant)
110.	Unnamed Creek (City of Sully)	127.	Waterman Creek (O'Brien Co.)
111.	Unnamed Creek (Corn Belt Power)	128.	Waugh Branch (Keokuk Co.)
112.	Unnamed Creek (DNR Viking Lake)	129.	West Branch Blue Creek (Benton Co.)
113.	Unnamed Creek (Echo Valley MHP #2)	130.	West Branch Floyd River
114.	Unnamed Creek (Ecosystems Inc.)	131.	Willow Creek (Cerro Gordo Co.)
115.	Unnamed Creek (Heartland Lysine)	132.	Willow Creek (Cerro Gordo Co.)
116.	Unnamed Creek (IAAP)	133.	Willow Creek (Cerro Gordo Co.)
117.	Unnamed Creek (IAMU)	134.	Willow Creek (Cerro Gordo Co.)